

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

§

§

vs.

§

Case No. 4:05cr251

§

(Judge Schell)

FRANCISCO ARZOLA

§

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 9, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Tracey Batson.

On July 5, 2006, Defendant was sentenced by the Honorable Richard A. Schell for the offense of Possession of a Firearm by an Unlawful User of a Controlled Substance. Defendant was sentenced to twenty-seven (27) months' imprisonment followed by a term of supervised release of three years. On December 31, 2007, Defendant completed his period of imprisonment and began his supervised release term.

On August 12, 2008, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the Defendant shall not commit another federal, state, or local crime.

Defendant entered a plea of "not true." The Government offered into evidence the criminal judgments from the 219th Judicial District Court of Collin County, Texas, that demonstrated that Defendant was convicted of stalking and sexual assault. Defendant has appealed these convictions.

The Court finds the guideline range in this case is twelve to eighteen months. The probation

officer recommended eighteen months of imprisonment with no supervised release to follow, to be served consecutively to any sentence of imprisonment that the Defendant is serving.

RECOMMENDATION

The Court finds that Defendant has violated his conditions of his supervised release. Based upon these violations, the Court recommends that Defendant's supervised release should be revoked. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with no supervised release to follow, to be served consecutively to any sentence of imprisonment that the Defendant is serving.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 9th day of November, 2010.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE